

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RYAN HENDRICKSON,

Plaintiff,

v.

NATIONAL CREDIT WORKS,
INC.,

Defendant.

CIVIL ACTION FILE

NO. 1:11-CV-02013-TWT-GGB

FINAL REPORT AND RECOMMENDATION

The complaint in this action was filed on June 21, 2011. (Doc. 1, Compl.). The complaint alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), and seeks statutory damages pursuant to the FDCPA in addition to actual damages suffered and reasonable attorney’s fees. (Compl.; Doc. 4 at 1).

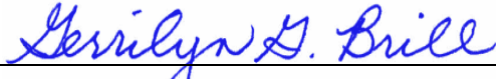
On June 27, 2011, Plaintiff sent to the defendant, National Credit Works, Inc. (“Defendant”), a notice of lawsuit and request for waiver of service of summons. (Doc. 4-1). Defendant acknowledged receipt of the notice of lawsuit and waiver of service of summons by executing the certified return receipt card, without a date. (Doc. 4-2). Plaintiff then retained the services of a process server, and Defendant was personally served with the summons and complaint on August 22, 2011. (Doc. 4-3).

Defendant's answer was due on September 12, 2011. However, no answer was ever filed, nor has a notice of appearance by any attorney been entered on behalf of Defendant National Credit Works, Inc.

On February 8, 2012, Plaintiff filed a motion for entry of default (Doc. 4), and on February 9, 2012, the Clerk made an entry of default as to National Credit Works, Inc. On April 17, 2012, after two months passed with no motion for default judgment having been filed, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, this court ordered Plaintiff to file an application/motion for default judgment within fourteen (14) days of the date of the order, along with sufficient supporting documentation and affidavits establishing the amount of Plaintiff's damages. (Doc. 5, Order).

More than thirty days have passed since the Order was issued, and no motion for default judgment has been filed. Accordingly, I **RECOMMEND** that this action be **DISMISSED without prejudice** for failure to prosecute, under Local Rule 41.3(A)(2), (3), NDGa.

IT IS SO RECOMMENDED, this 30th day of May, 2012.



GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE